

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

THOMAS E. PAYNE,

Plaintiff,

:

Case No. 3:06-cv-409

-vs-

Chief Magistrate Judge Michael R. Merz

:

STATE OF OHIO BUREAU OF  
MOTOR VEHICLES,

Defendant.

---

---

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

---

---

On January 30, 2007, Plaintiff filed Motions for Summary Judgment (Doc. No. 4) and Default Judgment (Doc. No. 5). On January 31, 2007, the Magistrate Judge recommended denying the Motions because the Defendant had not yet been served with process (Report and Recommendations, Doc. No. 6). Plaintiff was notified that any objections must be filed by February 20, 2007, and failed to object by that date. In the meantime, all parties have consented to plenary magistrate judge jurisdiction under 28 U.S.C. §636(c) and the case has been referred on that basis (Doc. No. 14).

Accordingly, the Report and Recommendations are adopted as the decision of the Court and Plaintiff's Motions for Summary Judgment and Default Judgment (Doc. Nos. 4 & 5) are denied. February 26, 2007.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge